

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA, and)
THE OSAGE MINERALS COUNCIL,)

Plaintiffs,)

vs.)

Case No. 14-CV-704-GKF-JFJ

OSAGE WIND, LLC;)
ENEL KANSAS, LLC; and)
ENEL GREEN POWER NORTH)
AMERICA, INC.,)

Defendants.)

**DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY
OF PLAINTIFF THE UNITED STATES' EXPERT WITNESS
STEVEN J. HAZEL AND OPENING BRIEF IN SUPPORT**

EXHIBIT 3

1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA

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4
5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 and

8 OSAGE MINERALS COUNCIL,

9 Intervenor-Plaintiff,

10 -vs-

Case No. 14-CV-704-GFK-JFJ

11 OSAGE WIND, LLC; ENEL KANSAS,
12 LLC; and ENEL GREEN POWER
13 NORTH AMERICA, INC.,

14 Defendants.

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17 VIDEOTAPED DEPOSITION OF ROBERT C. FREAS

18 TAKEN ON BEHALF OF THE DEFENDANTS

19 ON APRIL 19, 2021, BEGINNING AT 10:04 A.M.

20 VIA ZOOM

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23 REPORTED BY: Shannon S. Harwood, CSR, RPR, CRR

1 A. The shipping point would be the source point
2 for material being shipped to the buyer.

3 Q. And why is Burbank the -- the shipping point?

4 A. From -- there were no other quarries closer to
5 the wind farm that could have provided material other
6 than Burbank Materials. Pawhuska Quarry is quite a ways
7 further as is the -- I wish I could remember what was in
8 the other -- in Mr. Pfahl's report, the Atlas Quarry or
9 whatever it was that was also -- APAC, the APAC --

10 Q. APAC.

11 A. -- Quarry that was -- was referenced, but
12 again, that is further away than Burbank Materials.

13 Q. Are you aware if these -- these other quarries
14 if their -- the rates they charge for limestone, clay or
15 shale were different than that charged at Burbank?

16 A. I never looked at price lists from any of
17 those properties.

18 Q. And so on -- on page 11, your total value of
19 royalties that should be paid you have as \$247,979.42;
20 is that correct?

21 A. That's correct.

22 Q. And you state that's the value of mineral
23 materials for the 84 wind turbine towers and associated
24 equipment can you just lay out for me what that
25 associated equipment is?